

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

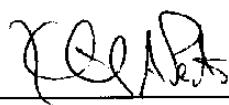
WILLIAM T. DANIEL, :  
Plaintiff :  
v. : Case No. 3:09-cv-95-KRG-KAP  
UNITED STATES DEPARTMENT OF :  
JUSTICE, et al., :  
Defendants :  
:

Report and Recommendation

Plaintiff's motion for reconsideration, docket no. 42, should be denied. The complaint was dismissed due to failure to prosecute after more than a year of correspondence sent to plaintiff at various locations. The motion for reconsideration asserts that the reason for plaintiff's lack of prosecution was that a key mailing (from me) was not received. After a history in which every other document to plaintiff either was delivered or came back and was sent out again, a simple "I didn't get it" fails to convince. Second, after plaintiff was released from custody his failure to move his case along cannot be attributed to anyone but himself. The motion for reconsideration should be denied.

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have fourteen days to serve and file written objections to this Report and Recommendation.

DATE: May 2, 2011

  
Keith A. Pesto,  
United States Magistrate Judge

Notice to counsel of record by ECF and by U.S. Mail to:

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c/o Angela Faustin  
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